

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAYQUON MASSEY,)	
)	
Petitioner,)	2:16-cv-00345
v.)	
)	Magistrate Judge Lisa Pupo Lenihan
TOM MCGINLEY,)	
)	
Respondent.)	

ORDER

AND NOW, this 9th day of August, 2021, it is hereby ORDERED that Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (ECF No. 17) is GRANTED in accordance with the terms set forth below.

- (1) Petitioner's request for habeas corpus relief on the ground that he was denied his Sixth Amendment right to the effective assistance of counsel for failing to request a voluntary manslaughter instruction is GRANTED;
- (2) The execution of the writ of habeas corpus is STAYED for 120 days from the date of this Order, during which time the Commonwealth may bring Petitioner to trial;
- (3) Upon the expiration of 120 days from the date of this Order, should the Commonwealth not have commenced the retrial of Petitioner, or if the Court had not previously extended such time for good cause, the stay is automatically dissolved, and the writ shall issue unconditionally without further notice or Order by virtue of this Order, at which point the Superintendent of the State Correctional Institution at Coal Township ("SCI Coal Township"), or the person in charge of such other place where Petitioner is then in custody, shall then and there release Petitioner from the custody resulting from the judgment of sentence imposed by the Court of Common Pleas of Allegheny County at its

Case No. CP-02-CR-0003771-2008;

- (4) The Clerk of this Court shall mark this case administratively CLOSED. The Court will retain jurisdiction of the proceedings and the parties for purposes of interpreting and enforcing its Orders and Judgment.

A handwritten signature in black ink, appearing to read 'Lisa Pupo Lenihan', written over a horizontal line.

Lisa Pupo Lenihan
United States Magistrate Judge

Cc: All counsel of record
(Via CM/ECF electronic mail)

Stephen A. Zappala, Jr.
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(Via US Mail)